THE HON'BLE SRI JUSTICE E.DHARMA RAO

WRIT PETITION NO.17161 OF 2005

O R D E R:

This writ petition is filed for declaring the action of respondents in trying to dispossess the petitioner from the house bearing Municipal No.13-6-798/1, to an extent of 300 square yards situated at Bapu Nagar, Langer House, Hyderabad as arbitrary and illegal.

It is the case of the petitioner that against the order of second respondent-Mandal Revenue Officer in File No.C/92/2005, dated 04.07.2005 the petitioner filed an appeal before the first respondent-District Collector. In spite of getting the mutation effected in the name of the petitioner in the Municipal Corporation of Hyderabad and is continuing in possession of the said property, the respondent authorities are trying to dispossess the petitioner from the house bearing Municipal No.13-6-798/1, situated at Bapu Nagar, Langer House, Hyderabad, which was purchased by the petitioner from one Mohammed Nizamuddin Husami, vide registered sale deed No.3079/2002. Hence, the petitioner filed W.P.No.199 of 2005 before this Court and this Court by order, dated 12.04.2005 disposed of the same with a direction to the respondents not to interfere with his possession without following due process of law. In spite of the same, the second respondent issued a show cause notice dated 04.05.2005 to the petitioner under Section 7 of Andhra Pradesh Land Encroachment Act, stating that he has encroached an extent of Ac 260 square yards of land in T.S.No.11, Block-M, Ward No.18 of Langer House Village. In pursuance of the said show cause notice, the petitioner filed an application before the respondent authorities seeking two months time for obtaining certain documents. Hence, the matter was posted to 08.06.2005. As the petitioner

was bedridden, he failed to file necessary documents to prove his title over the property. On 10.07.2005 the petitioner approached the second respondent and requested him to intimate the date of hearing of the case. Surprisingly, the second respondent passed orders on 04.07.2005 and served on the petitioner on 22.07.2005 without giving any intimation either to the petitioner or his counsel, by treating the petitioner as an encroacher. Aggrieved by the same, the petitioner filed an appeal before the first respondent. As no orders are passed till today, this writ petition is filed apprehending that the respondents are trying to evict the petitioner from the schedule property.

The learned Government Pleader for Revenue submits that against the order of the second respondent-Mandal Revenue Officer, an appeal lies to the Revenue Divisional Officer, but not the first respondent-District Collector.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition at the admission stage without going into the merits of the case.

The writ petition is, therefore, disposed of permitting the petitioner to approach the Revenue Divisional Officer, Hyderabad, by way of filing an appeal against the order of the second respondent, dated 04.07.2005 within a period of two weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to demolish the house or dispossess the petitioner from the schedule house bearing Municipal No.13-6-798/1, admeasuring 300 square yards, situated at Bapu Nagar, Langer House, Hyderabad.

E.DHARMA RAO J.,

Dt.03.08.2005

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